

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

MARKUS LEVAR DAVIS,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-20467

OFFICER J.M. THOMPSON, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendant South Charleston Police Department's ("SCPD") Motion to Dismiss. (ECF No. 23.) On July 7, 2014, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and recommendations. (ECF No. 2.) Magistrate Judge Tinsley filed a proposed finding and recommendation ("PF&R"), (ECF No. 27), in response to the instant motion on May 4, 2016, recommending that this Court grant SCPD's motion and dismiss SCPD from the present action.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct

the Court to a specific error in the magistrate's proposed findings and recommendations.”
Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982).


Objections to the PF&R in this case were due on May 23, 2016. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 27), **GRANTS** SCPD's motion to dismiss, (ECF No. 23), and **DISMISSES** the South Charleston Police Department as a defendant herein.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: May 31, 2016

A handwritten signature in blue ink, appearing to read "Th. Johnston", is written over a horizontal line.

THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE